

MICHAEL A. SPOHN et. al.
Serial No.: 10/065,668

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REMARKS

Claims 1-3, 7, 9-29, 31, 32, 34-36, 39-52, 54, 55 and 57-65 remain before the Examiner for reconsideration. Claims 1, 7, 35, 36, 58 and 63-65 are currently amended. Claims 5, 6, 8, 37 and 66 have been cancelled without disclaimer or prejudice. Claims 4, 30, 33, 38, 53 and 56 were withdrawn by the Examiner and now have been cancelled as being drawn to a non-elected invention.

Election / Restriction

In the Office Action dated September 1, 2005 ("2nd Action"), the Examiner acknowledged that all claims have been considered, except for Claims 4, 30, 33, 38, 53 and 56. Because the noted claims have been withdrawn as being drawn to a non-elected species, Applicants have cancelled those claims in this Response and Amendment.

Priority

The Office Action stated that Applicants have not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120. Applicants respectfully disagree with the objection, and note that the "Cross-Reference" section of the specification was updated via amendment on page 2 of the Amendment filed on June 14, 2005. To insure that the June 14th specification amendment is entered into this application, Applicants have also placed that "Cross-Reference" specification amendment on page 2 of this Response and Amendment.

Further, while it is unclear whether the Examiner is asserting that Applicants have not properly claimed priority in this case, Applicants respectfully assert that specific references to the earlier filed applications, including the relationship and status of the applications, appear for example in the first sentence of the specification under the heading "Cross Reference to Related Applications" and in the Application Data Sheet under the heading "Continuity Data." Copies of page 1 of the Specification and page 1 of the Application Data Sheet are attached hereto for the Examiner's convenience to show that priority was properly claimed in the initial filing of this application.

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To update the "Cross-Reference" section, as properly required by the Examiner, Applicants have amended the priority claim to reflect that parent Patent Application No. 09/631,422 issued as U.S. Patent No. 6,676,634 after the filing of this application.

Claim Objections

The Office Action objected to Claim 65 as depending from itself. Applicants have amended Claim 65 to correct the dependency thereof, and request that the objection be withdrawn.

Claim Rejections – Section 112

The Office Action rejected Claim 35 for having no antecedent basis for "the at least one protrusion." Applicants have amended Claim 35 to depend from Claim 14, which has antecedent basis for "the at least one protrusion." Based on the claim amendment, Applicants request that the Section 112 rejection be withdrawn.

Claims Rejections – Section 102

Applicants have amended the independent claims to include allowable subject matter. Applicants do not acquiesce to the rejections based on the applied Reilly et al. and Yamamoto references, but rather have amended the claims to obtain an early allowance of patentable subject matter. Applicants specifically reserve the right to file the pending claims in on or more continuing applications.

In view of the above claim amendments, Applicants submit that the substantive claim rejections under Section 102 are now moot. Specifically, (1) Claim 1 has been amended to include the allowable subject matter of Claims 8 and 6, (2) Claims 36 and 58 have been amended to include the allowable subject matter of Claim 37 and (3) Claim 64 has been amended to include the allowable subject matter of Claim 66.

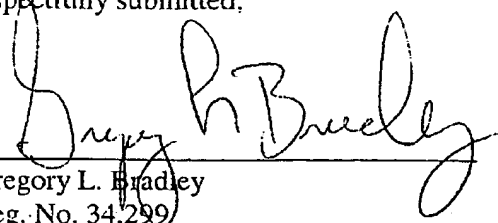
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In view of the above amendments and remarks, Applicants respectfully request that the Examiner withdraw the rejections of the claims and indicate the allowability of the application.

Respectfully submitted,

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